



WESTFIELD-WASHINGTON
ADVISORY PLAN COMMISSION

December 1, 2014
1412-DP-35 & 1412-SPP-24

Petition Number: 1412-DP-35 & 1412-SPP-24

Subject Site Address: 20298 Tomlinson Road

Petitioner: Chatham Hills LLP by American Structurepoint, Inc.

Request: Overall Development Plan and Primary Plat review of 192 single-family residential lots and golf course.

Current Zoning: Chatham Hills PUD

Current Land Use: Agricultural/Undeveloped

Approximate Acreage: 272.16 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Primary Plat
4. Development Plan
5. Landscaping Plan
6. Overall Development Plan

Property History: 1311-PUD-11 (Chatham Hills PUD, Ordinance 13-24)

Staff Reviewer: Kevin M. Todd, AICP

HISTORY AND PROCEDURAL

Requests for Overall Development Plan Review and Primary Plat review are required to be considered at a public hearing. The public hearing for this petition is scheduled for the December 1, 2014 Advisory Plan Commission (the "APC") meeting.

PROJECT OVERVIEW

The petitioner is proposing development of the first section of the Chatham Hills development (the "Project"). The Project consists of 192 single-family residential lots. It also includes the land for the nine-hole executive Par-3 golf course and nine of the eighteen championship golf course holes. Future projects will include additional residential lots, the remaining holes on the golf course, the clubhouse, and development of the mixed-use area near S.R. 38.



CHATHAM HILLS PUD

Permitted Uses within District I (Section 7)

1. Single-Family Residential

Comment: COMPLIANT

2. Golf Course and Club Uses

Comment: COMPLIANT

Bulk and Density Standards (Section 9)

1. District Subarea 1-B (**Lots C1-C21; Lots E1-E15**)

- a. Minimum Lot Width – 120'

Comment: COMPLIANT

- b. Minimum Lot Frontage – 30'

Comment: COMPLIANT

- c. Minimum Lot Area – 15,000 SF

Comment: COMPLIANT

- d. Maximum Number of Dwelling Units in Subarea – 1,500

Comment: 37 lots proposed = COMPLIANT

2. District Subarea 1-D (**Lot E16; Lot E17; Lot E19; Lot E21; Lot E23; Lot E25; Lot E27; Lot E29; Lot E31; Lot E33; Lot E35; Lot E36; Lot E37; Lot E38; Lot E40; Lot E41; Lot E42; Lot E44; Lot E46; Lot E48; Lot E50; Lot E52; Lot E54**)

- a. Minimum Lot Width – 105'

Comment: COMPLIANT

- b. Minimum Lot Frontage – 30'

Comment: COMPLIANT

- c. Minimum Lot Area – 12,500 SF

Comment: COMPLIANT

- d. Maximum Number of Dwelling Units in Subarea – 1,500

Comment: 23 lots proposed = COMPLIANT



3. District Subarea 1-E (Lot E18; Lot E20; Lot E22; Lot E24; Lot E26; Lot E28; Lot E30; Lot E32; Lot E34; Lot E39; Lot E43; Lot E45; Lot E47; Lot E49; Lot E51; Lot E53; Lot E55; Lot E56; Lot E57; Lot E58; Lot E59; Lot E60; Lot E61; Lot E62; Lots F1-F29)
 - a. Minimum Lot Width – 90'
Comment: COMPLIANT
 - b. Minimum Lot Frontage – 30'
Comment: COMPLIANT
 - c. Minimum Lot Area – 10,000 SF
Comment: COMPLIANT
 - d. Maximum Number of Dwelling Units in Subarea – 1,500
Comment: 53 lots proposed = COMPLIANT
4. District Subarea 1-F (Lots D1-D25)
 - a. Minimum Lot Width – 80'
Comment: COMPLIANT
 - b. Minimum Lot Frontage – 25'
Comment: COMPLIANT
 - c. Minimum Lot Area – 10,000 SF
Comment: COMPLIANT
 - d. Maximum Number of Dwelling Units in Subarea – 975
Comment: 25 lots proposed = COMPLIANT
5. District Subarea 1-H (Lots A1-A27; Lots B1-B28)
 - a. Minimum Lot Width – 65'
Comment: COMPLIANT
 - b. Minimum Lot Frontage – 20'
Comment: COMPLIANT



- c. Minimum Lot Area – 7,750 SF

Comment: COMPLIANT

- d. Maximum Number of Dwelling Units in Subarea – 600

Comment: 55 lots proposed = COMPLIANT

6. Maximum Density (number of dwellings) in District I – 1,500

Comment: 192 lots proposed (first section to develop) = COMPLIANT

Landscaping and Screening (Section 11)

7. **Preservation of Trees:** The Developer shall only be required to provide a tree inventory for those trees of which tree preservation credits are being requested by the Developer; provided, however, that tree stands shall be generally outlined on any Development Plan.

Comment: Staff is working with the petitioner to ensure compliance.

8. **Installation of Landscaping:** The installation of landscaping required by this Ordinance may be delayed, at the Director's determination, due to: (i) periods of adverse weather; (ii) availability of plant material; (iii) conflicts between construction scheduling (e.g., Golf Course construction, completion of Development Amenities or infrastructure) and proper planting conditions; and/or (iv) if required landscaping is dependent on tree preservation credits to be further determined (e.g., from the Golf Course).

Comment: Acknowledged

9. **Road Frontage Standards:** The road frontage landscaping requirements of the Zoning Ordinance (Article 6.8 (M)) shall apply; however, it shall not apply along Golf Course areas adjoining or located along Internal or External Streets.

Comment: See External Street Landscaping Standards under the UDO section below.

10. **Buffer Yards:** The buffer yard requirements of the Unified Development Ordinance (Article 6.8) shall apply, except as provided below:

- a. Buffer yards shall not be required along Golf Course areas adjoining or located along Internal or External Streets.

Comment: COMPLIANT



- b. Buffer yards shall not be required between District Areas and shall not be required adjacent to Development Amenities, except as otherwise required herein.

Comment: Not applicable to this development plan, but will be reviewed as subsequent Development Plans for the Development Amenities are submitted.

- c. A minimum twenty (20) foot wide buffer yard shall be required between residential use(s) and any adjoining General Business (GB) District use. The buffer yard shall be landscaped in accordance with the Zoning Ordinance.

Comment: Not applicable to this development plan, but will be reviewed as subsequent Development Plans for the GB District are submitted.

- d. A minimum twenty (20) foot wide buffer yard shall be required between residential properties of the District and any adjacent property zoned the Agricultural/Single Family (AG-SF1) District. The buffer yard shall be landscaped in accordance with the Zoning Ordinance.

Comment: Staff is working with the petitioner to ensure compliance.

- e. A Masonry wall or a combination of masonry and wood or iron fencing (which is entirely opaque and consistent with the design theme of other fencing or entrances in the District) may be substituted and replace any required buffer yard between uses or External Streets if said wall is: (i) a minimum height of six (6) feet; (ii) located within a minimum ten (10) foot wide easement, and (iii) supplemented with landscaping consistent with the Zoning Ordinance's requirement for the softening of walls and fences (UDO Article 6.8, L).

Comment: Acknowledged.

Open Space and Amenity Standards (Section 12)

- 11. Natural Areas: The preservation of the natural landscape, terrain, topography and natural features of the Real Estate shall be preserved when possible and shall be a priority when constructing all residential, infrastructure, amenities and other aspects of the development.

Comment: Acknowledged.



12. Minimum Open Space: The District shall provide a minimum of twenty percent (20%) of the Real Estate to be set aside for Open Space, which shall replace and superseded any open space or green belt space requirement of the Zoning Ordinance. All Open Space in the District shall be owned by the Master Developer, unless otherwise approved and transferred by the Master Developer to an Owners' Association.

Comment: 67.72 acres (24.8%) proposed in this section = COMPLIANT

Lighting Standards (Section 14)

The District's lighting shall comply with the Unified Development Ordinance (Article 6.9) with the following exceptions:

13. Architectural lighting may be directed upward on Golf Course Use buildings for the softening of walls and entryways and shall be directed in a manner as to direct light away from residential adjacent property and public rights-of-way and shall otherwise comply with the lighting standards of the Zoning Ordinance.

Comment: Staff is working with the petitioner to ensure compliance.

14. Architectural lighting may be located below and directed upward or onto the surface(s) of the Red Barn or Lindley House and shall not be required to be shielded but shall be permitted for the softening of the buildings and to highlight architectural details and shall otherwise comply with the lighting standards of the Zoning Ordinance.

Comment: Not Applicable to this section.

15. Dusk to Dawn Lights for Single-family Residential Uses: A light shall be installed on each home lot at a location, height, type, style and manufacturer approved by the Owners' Association Architectural Review Committee. The light may be either pole mounted in the front yard or attached as a carriage light to the residence. The light shall be equipped with a photo electrical cell or similar device to ensure automatic illumination from dusk to dawn and shall be maintained in proper working order by the owner of each lot. Illumination intensity for fixtures without shielding shall be limited to one hundred sixty (160) watts for incandescent bulbs or an equivalent illumination for other types of bulbs.

Comment: This will be reviewed for compliance during the building permitting/inspection stage.



16. Decorative street lights may differ from the City's standards if approved by the Department of Public Works. Decorative street lights shall be consistent with the development theme and shall be installed at the expense of the Developer and maintained by the Owners' Association.

Comment: Staff is working with the petitioner to ensure compliance.

17. Real or faux gas lights may be used without shielding.

Comment: Acknowledged.

18. Lighting (e.g., pole lighting) of the Golf Course for playing a round of golf at night shall be prohibited (does not include lighting for pathways, security or practice areas).

Comment: Acknowledged.

Pedestrian and Bicycle Connectivity (Section 15)

19. Pedestrian and bicycle access shall be provided throughout the District to permit and encourage pedestrian movement within the District and surrounding developments to:
(i) provide an alternative for people to get where they are going without using their vehicles; (ii) provide a means for people to safely and practically get to local destinations; and (iii) provide for fitness and general recreational opportunities.

Comment: COMPLIANT

20. The District's pedestrian and bicycle network shall comply with the Zoning Ordinance and the City's construction standards, unless otherwise approved by the Department of Public Works. To the maximum extent practicable, land uses, amenities, parks, trails and other open spaces should be organized to create integrated systems of open space that connect both internal to the District and to development surrounding the District.

Comment: Staff is working with the petitioner to ensure compliance.

21. Golf carts shall be permitted on streets, Trails and amenities within the District. The operation of golf carts on public rights-of-way shall be subject to the City's Code of Ordinances (see Chapter 58-1), as amended, and any requirements of the Department of Public Works and Department of Parks and Recreation.

Comment: Acknowledged.



Infrastructure Standards (Section 20)

22. The District's infrastructure shall comply with the Zoning Ordinance and the City's Construction Standards, unless otherwise approved by the Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

Comment: Staff is working with the petitioner to ensure compliance.

23. The District shall comply with the Thoroughfare Plan. For portions of the Real Estate that adjoin or include existing streets or alternative transportation corridors (e.g., Monon Trail) that do not conform to the minimum right-of-way dimensions established in the Thoroughfare Plan, the Developer shall dedicate additional width along either one or both sides of such streets and/or alternative transportation corridors sufficient to meet the requirements of the Thoroughfare Plan and the Monon & Midland Trace Trail Master Plan.

Comment: Staff is working with the petitioner to ensure compliance.

- a. In addition to the fifty (50) foot half right-of-way required to be dedicated along 199th Street, pursuant to the Thoroughfare Plan, the Developer shall dedicate an additional twenty (20) feet of right-of-way (for a total right-of-way dedication of seventy (70) feet north from the centerline of 199th Street) for portions of the Real Estate that are located between the centerline of Tomlinson Road and a point approximately one thousand one hundred and seventy feet (1,170') west along 199th Street.

Comment: COMPLIANT

WESTFIELD UNIFIED DEVELOPMENT ORDINANCE

The following underlying zoning standards of the UDO, as amended, apply to the Chatham Hills PUD District.

Zoning Districts (Chapter 4)

SF-4 District (Article 4.7)

Comment: All current SF-4 standards have been modified by the Chatham Hills PUD Ordinance.



Overlay Districts (Chapter 5)

Floodplain Overlay District (Article 5.5)

Comment: COMPLIANT

Wellhead Protection District Overlay (Article 5.7)

Comment: This project does not fall within a Wellhead Protection Zone.

Development Standards (Chapter 6)

Accessory Use and Building Standards (Article 6.1)

Comment: The Accessory Use and Building Standards will be reviewed for each residential and non-residential accessory building in the future.

Architectural Standards (Article 6.3)

Comment: The Architectural Standards will be reviewed at the building permit stage for each residential building and during a subsequent Detailed Development Plan Review process for each non-residential building.

Building Standards (Article 6.4)

Comment: The Building Standards will be reviewed at the building permit stage for each residential building and during a subsequent Detailed Development Plan Review process for each non-residential building.

Height Standards (Article 6.6)

Comment: The Height Standards will be reviewed at the building permit stage for each residential building and during a subsequent Detailed Development Plan Review process for each non-residential building.

Landscaping Standards (Article 6.8)

24. Placement: Installed plantings shall comply with the following:

- a. Clearance with Structures: Trees shall be planted so that when they reach maturity, there will be a minimum of five (5) feet of clearance between tree trunks and structures, building overhangs, walls, fences, and other trees.

Comment: COMPLIANT

- b. Vision Clearance: Plantings and mounds shall also comply with Article 6.19 Vision Clearance Standards.

Comment: Staff is working with the petitioner to ensure compliance.

- c. Right-of-way: With the exception of Street Trees, as required herein, or trees as may otherwise be approved by the Plan Commission or Public Works Department, landscape material shall not be planted or placed in Rights-of-way or easements without permission from the City or the easement holder.

Comment: COMPLIANT

- d. Minimum Distance from Sidewalk and Curb: Trees shall be planted a minimum distance of four (4) feet from the edge of a Street curb or pedestrian pathway or sidewalk.

Comment: COMPLIANT

- e. Minimum Distance from Stormwater Structures: Trees shall be planted a minimum distance of ten (10) feet from any storm sewer or subsurface drain, unless otherwise permitted in accordance with the City's Construction Standards or approved in writing by the Public Works Department.

Comment: Staff is working with the petitioner to ensure compliance.

- f. Easements: Required landscaping should be located in landscape easements or designated common areas that are exclusive of utility or drainage easements that would otherwise prohibit the required landscaping.

Comment: Staff is working with the petitioner to ensure compliance.

- g. Arrangement: A natural or irregular row and spacing of plantings is preferred. Trees and shrubs should be grouped or clustered where possible to simulate natural tree stands.

Comment: COMPLIANT



25. Detention and Retention Areas:

a. Natural Appearance:

- i. Detention and Retention Areas shall be landscaped in a manner that replicates the natural form of ponds and shall include shade trees, ornamental trees, evergreens, shrubs, hedges, and/or other plantings (see also Minimum Lot Landscaping Requirements and Article 8.6 Open Space and Amenity Standards).

Comment: Staff is working with the petitioner to ensure compliance.

- ii. Wetlands/aquatic vegetation planted around the wet perimeter of such areas should be utilized to further this design objective; however, if such plantings are utilized for water quality control, then landscape plans shall be prepared and stamped by a licensed landscape architect.

Comment: Staff is working with the petitioner to ensure compliance.

- iii. Detention and Retention Areas shall be designed to be natural in appearance, with meandering edges.

Comment: Staff is working with the petitioner to ensure compliance.

- iv. Location: Detention and Retention Areas should be located to enhance view sheds and incorporated as amenities to the development (see also Article 8.6 Open Space and Amenity Standards).

Comment: COMPLIANT

- v. Side Slopes: Side slopes above the water line for Retention Areas and water features shall not exceed 4:1. Side slopes above the water line for Detention Areas shall not exceed 4:1 and shall be graded to harmonize with the overall Open Space design of the site.

Comment: Staff is working with the petitioner to ensure compliance.

- b. Street Trees: Street Trees shall be required in accordance with the following, and the placement standards set forth herein:

- i. Requirement: Street Trees shall be required with all new or re-developed Local Streets (public or private) within Residential Districts. Street Trees shall only be required on one side of a Residential Frontage Road.

Comment: Staff is working with the petitioner to ensure compliance.

- ii. Location: Street Trees located within the Right-of-way shall be installed in accordance with the City's Construction Standards (see also Article 7.3 Principles and Standards of Design). If the Street Tree is not planted within the Right-of-way, then the Street Trees shall be planted on the

adjacent Lot or Common Area within ten (10) feet of the Right-of-way; however, the Street Tree shall not be credited towards that Lot or Common Area's Minimum Lot Landscaping Requirements.

Comment: Staff is working with the petitioner to ensure compliance.

- iii. Spacing: Street Trees shall be required an average of every fifty (50) feet; however, the Street Trees may be spaced at a maximum spacing of sixty (60) feet but at a minimum spacing of twenty (20) feet.

Comment: Staff is working with the petitioner to ensure compliance.

c. Minimum Lot Landscaping Requirements

i. Single-Family Residential (per Lot under 8,000 SF)

1. Shade Trees – 2

Comment: Staff is working with the petitioner to ensure compliance.

2. Ornamental or Evergreen Trees – 1

Comment: Staff is working with the petitioner to ensure compliance.

3. Shrubs – 4

Comment: Staff is working with the petitioner to ensure compliance.

ii. Single-Family Residential (per Lot over 8,000 SF)

1. Shade Trees – 4

Comment: Staff is working with the petitioner to ensure compliance.

2. Ornamental or Evergreen Trees – 2

Comment: Staff is working with the petitioner to ensure compliance.

3. Shrubs – 4

Comment: Staff is working with the petitioner to ensure compliance.



iii. Open Space/Common Area (per acre)

1. Shade Trees, Ornamental, or Evergreen Trees – 10

Comment:

67.72 acres = 678 trees required; 115 depicted = Staff is working with the petitioner to ensure compliance.

2. Shrubs – 0

Comment: COMPLIANT

d. Foundation Plantings

Comment: Foundation Planting requirements will be reviewed at the building permit stage for each residential building and during a subsequent Detailed Development Plan Review process for each non-residential building.

e. External Street Frontage Landscaping Requirements: The landscaping in this section shall be required where any portion of a development abuts an External Street.

- i. Residential Uses: A landscaping area with a minimum depth of thirty (30) feet shall be required abutting an External Street along any residential development. The landscaping area shall include a minimum of four (4) evergreen trees, three (3) shade trees, three (3) ornamental trees and twenty-five (25) shrubs per one hundred (100) lineal feet. In addition, a minimum three-foot (3') tall undulating mound shall required along the entire External Street frontage. Meandering mounds are encouraged.

Comment:

- **199th Street (1,000 feet)**
 - **30' yard = COMPLIANT**
 - **Evergreen Trees – 40 required; 66 depicted = COMPLIANT**
 - **Shade Trees – 30 required; 30 depicted = COMPLIANT**
 - **Ornamental Trees – 30 required; 0 depicted = Staff is working with the petitioner to ensure compliance.**
 - **Shrubs – 250 requires; 91 depicted = Staff is working with the petitioner to ensure compliance.**
 - **3' mound required = COMPLIANT**

- ii. Non-residential Uses: A landscaping area with a minimum depth of ten (10) feet shall be required abutting an External Street along any non-residential development. The landscaping area shall include a minimum of three (3) shade or evergreen trees, two (2) ornamental trees and twenty-five (25) shrubs per one hundred (100) lineal feet. This requirement may be credited toward required Parking Area Landscaping requirements if the required Parking Area Landscaping is located within twenty (20) feet of the Right-of-way. In addition for Industrial Districts, a minimum three-foot (3') tall undulating mound shall be required along the entire External Street frontage.

Comment: Not Applicable.

- iii. Easements: Trees required to be planted along External Streets should be located outside drainage and utility easements that would otherwise prohibit the required landscaping and shall be located in a manner that mitigates interference with infrastructure located within such easements. Trees may be clustered or grouped in order to attain creative site design and/or to accommodate utility infrastructure.

Comment: Staff is working with the petitioner to ensure compliance.

- f. Buffer Yard Requirements

Comment: Buffer Yard Requirements are superseded by the Chatham Hills PUD Ordinance, see Chatham Hills PUD, Section 11 above.

- g. Parking Area Landscaping

Comment: The Parking Area Landscaping standards will be reviewed during a subsequent Detailed Development Plan Review for non-residential buildings/uses.

Lighting Standards (Article 6.9)

- 26. All Light Fixtures, with the exception of internally-illuminated signs or Electronic Signage, shall be Fully Shielded and direct light downward toward the earth's surface.

Comment: Staff is working with the petitioner to ensure compliance.

- 27. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent Lots and Rights-of-way.

Comment: Staff is working with the petitioner to ensure compliance.

28. All lighting sources, with the exception of internally-illuminated signage or Electronic Signage, shall be positioned in such a manner as to direct light away from adjacent Lots and Rights-of-way.

Comment: Staff is working with the petitioner to ensure compliance.

29. Light pole height shall not exceed twenty-five (25) feet. All Light Fixtures in Parking Areas shall be designed and located to confine emitted light to the Parking Area.

Comment: Staff is working with the petitioner to ensure compliance.

30. All Light Fixtures shall meet City Building Code requirements for their appropriate construction class.

Comment: Staff is working with the petitioner to ensure compliance.

Lot Standards (Article 6.10)

1. All Lots shall abut on a Street or Private Street and shall have a minimum Lot Frontage as set forth by the Zoning District or Overlay District.

Comment: COMPLIANT

2. Residential Corner Lots shall be of sufficient width to permit appropriate Building Setback Lines and driveway setbacks from both Streets.

Comment: COMPLIANT

Outdoor Storage and Display (Article 6.21)

3. Residential Districts (regarding Recreational Vehicles)

Comment: Outdoor Storage and Display standards will be monitored by Code Enforcement for compliance.

4. Business Districts

Comment: The Outdoor Storage and Display Standards will be reviewed during a subsequent Detailed Development Plan Review process for each non-residential building.

5. Industrial Districts

Comment: Not Applicable. Industrial uses are not permitted in the Chatham Hills PUD.



Outdoor Café and Eating Areas (Article 6.13)

Comment: The Outdoor Café and Eating Areas standards will be reviewed during a subsequent Detailed Development Plan Review process for each non-residential building.

Parking Standards (Article 6.14)

6. Single-Family Dwellings – Two (2) spaces per Dwelling Unit

Comment: The Single-Family Dwelling Parking Standards will be reviewed at the building permit stage for each residential building.

7. Golf Course – Parking Space requirements for the Golf Course uses shall be determined by the Director based upon data supplied by the Applicant in response to traffic and parking data requested to be furnished with the application for an Improvement Location Permit.

Comment: The Golf Course Parking Standards will be reviewed during a subsequent Detailed Development Plan Review for the associated clubhouse.

Setback Standards (Article 6.16)

Comment: The Setback Standards will be reviewed at the building permit stage for each residential building and during a subsequent Detailed Development Plan Review process for each non-residential building.

Sign Standards (Article 6.17)

Comment: The Sign Standards will be reviewed during a subsequent Sign Permit Application review. Any signs and/or sign locations depicted on an Overall Development Plan or Primary Plat shall not be deemed “Approved” by approval of the Overall Development Plan or Primary Plat.

Vision Clearance Standards (Article 6.19)

8. **Vision Clearance:** No Sign, fence, wall, landscaping, Public Utility Installation or other Improvement which obstructs sight lines between three (3) and nine (9) feet above a Street shall be permitted on a Corner Lot, unless otherwise approved in writing by the Public Works Department, within the triangular area formed by the Right-of-way line and a line connecting points: Forty (40) feet from intersections of Collectors, Private or Local Street; Seventy-five (75) feet from intersections of Expressways or Arterials; Ten (10) feet from intersections of Driveways or Alleys.

Comment: Staff is working with the petitioner to ensure compliance.

Yard Standards (Article 6.21)

Comment: The Yard Standards will be reviewed at the building permit stage for each residential building and during a subsequent Detailed Development Plan Review process for each non-residential building.

Subdivision Regulations (Chapter 7)

Construction Standards (Article 7.3)

Comment: Staff is working with the petitioner to ensure compliance.

Design Standards (Chapter 8)

Block Standards (Article 8.1)

9. The maximum length of a block in a single-family residential Subdivision shall not exceed one thousand two hundred and fifty (1,250) feet; except where an Internal Street or Frontage Road parallels an Expressway or Arterial.

Comment: Staff is working with the petitioner to ensure compliance.

Easement Standards (Article 8.3)

10. **Drainage and Utility Easements:** All development submitted for approval under the provisions of this Ordinance shall allocate areas of suitable size and location, wherever necessary, for drainage and/or utility easements. All easements and corresponding utility location plans shall be complete and approved prior to the final approval of any plan. One-half (0.5) of the width of easements located along Lot Lines shall be taken from each Lot, unless otherwise approved by the Public Works Department or the appropriate utility provider. Before determining the location of easements the plan shall

be discussed with the local public utility companies to assure proper placement and installation of such services.

Comment: Staff is working with the petitioner to ensure compliance.

11. **Surface Drainage:** If any stream or necessary surface drainage course is located in the area to be developed, then an easement shall be established along all sides according to the County Surveyor or Indiana law if a legal drain or twenty (20) feet per side (measured from top of bank) if not a legal drain. The easement shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said stream or surface drainage course.

Comment: Staff is working with the petitioner to ensure compliance.

12. **Other Easements:** Where an easement is required by this Ordinance but the standards for the easement type are not specified, or an easement is required per a commitment or condition of approval, then the Property Owner (“grantor”) shall execute the easement instrument in favor of the appropriate party or entity (“grantee”).

Comment: Acknowledged.

13. **Private Street Easement:** When required by this Ordinance, the Property Owner (“grantor”) shall execute a Private Street easement instrument in favor of the owner of the Lot (“grantee”) to which the private street provides access.

Comment: Staff is working with the petitioner to ensure compliance.

Monument and Marker Standards (Article 8.5)

Comment: The Monument and Marker Standards will be reviewed at the subsequent Secondary Plat Review process for each section.

Open Space and Amenity Standards (Article 8.6)

14. **Plantings:** Open Space shall be supplemented with tree plantings in accordance with the Minimum Lot Landscaping requirements of Article 6.8 Landscaping Standards.

Comment: See Open Space landscaping requirements above.

15. **Access:** A public way, crosswalk or easement not less than fifteen (15) feet in width shall be provided for access to required Open Space.

Comment: COMPLIANT

16. Connectivity: Open Space, where applicable, shall be placed adjacent to or connected to existing or proposed Open Space located within the development and/or on adjoining properties. Open Space should be located within reasonable walking distance to those uses it serves, with the exception of preservation of existing features.

Comment: COMPLIANT

17. Open Space Ownership: The ownership of Open Space, Common Areas, Development Amenities, how it will be protected from future development, and responsibility for future maintenance (e.g., homeowners' association) shall be documented and recorded.

Comment: Acknowledged. Please include in covenants document.

18. Required Open Space and Development Amenity improvements (e.g., fencing, walls, mounds, paths, playgrounds, amenities) shall be improved in accordance with an approved Development Plan and shall require a Certificate of Compliance

Comment: Pathway amenities are COMPLIANT. Other amenities will be reviewed during a subsequent Detailed Development Plan Review(s).

19. Approval: Open Space and Development Amenity areas shall be identified on the development's Overall Development Plan, in accordance with Article 10.7 Development Plan Review. Open Space and Development Amenity improvements shall require approval a Detailed Development Plan, which shall be reviewed and approved by the Department as part of an Improvement Location Permit (see also Article 10.8 Improvement Location Permit) or a Certificate of Compliance (see also Article 10.4 Certificate of Compliance), if an Improvement Location Permit is not otherwise required for the proposed improvements.

Comment: Not applicable to this submittal. Other amenities which require an ILP will be reviewed during a subsequent Detailed Development Plan Review(s).

20. Timing of Installation: Open Space and Development Amenity improvements shall be installed prior to the issuance of a subsequent Building Permit for more than fifty percent (50%) of the Lots within the Secondary Plat section in which the Common Area, Open Space or Development Amenity is located, or within twelve (12) months from when the first Building Permit in the Secondary Plat section was issued, whichever occurs first.

Comment: Acknowledged.



21. A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements, legal drains and equivalent land, as determined by the Plan Commission or Director.

Comment: Staff is working with the petitioner to ensure compliance.

22. Detention and Retention Areas may only qualify as Open Space if they comply with Article 6.8 Landscaping Standards and if such areas are located and designed for the use and benefit of the public as an amenity to the development.

Comment: Staff is working with the petitioner to ensure compliance.

23. Required Buffer Yards, External Street Frontage landscaping areas, and tree preservation areas, as set forth in Article 6.8 Landscaping Standards, may qualify towards required Open Space if placed within common areas or recorded preservation or conservation easements.

Comment: Acknowledged.

Pedestrian Network Standards (Article 8.7)

24. All concrete sidewalk, asphalt path, and crosswalk improvements shall be constructed per the City's Construction Standards (see Article 7.3 Principles and Standards of Design) and comply with requirements of the Americans with Disabilities Act (ADA), as amended.

Comment: Staff is working with the petitioner to ensure compliance.

25. Curb ramps for handicapped accessibility shall be provided at all intersections of Streets, Alleys, and drives (not including individual residential Driveways) and comply with ADA requirements. Curb ramps shall not be permitted in Driveways.

Comment: Staff is working with the petitioner to ensure compliance.

26. When a sidewalk, pedestrian path, jogging path, and/or bicycle way crosses a Street intersection with an Arterial within or adjacent to a development, then safety devices (i.e. painted crosswalks, signs, or other traffic control devices) shall be installed at the Developer's expense as deemed appropriate by the Public Works Department. The Director or Plan Commission may require crosswalks to be marked at other intersections or pedestrian-crossing points as may be deemed appropriate. All traffic control devices shall comply with guidelines and requirements of the current edition of the Indiana Manual on Uniform Traffic Control Devices.

Comment: Staff is working with the petitioner to ensure compliance.

27. Internal Pedestrian Network Standards: The minimum sidewalk width shall be as indicated in the Thoroughfare Plan or five (5) feet (six (6) feet if immediately abutting the curb), whichever is greater.
Comment: Staff is working with the petitioner to ensure compliance.
28. Sidewalks shall be required on both sides of internal Streets and internal Private Streets in all developments.
Comment: COMPLIANT
29. When a proposed development lies between or adjacent to existing developments which have been provided with sidewalks, connecting sidewalks or pathways (which are extensions of the existing sidewalks) shall be constructed.
Comment: Not applicable.
30. Connector sidewalks shall be provided from the sidewalk or path adjacent to the Street to the front entrance of all non-residential structures. Where the sidewalk intersects driving lanes or parking aisles within the Parking Area, then crosswalks and ramps shall be installed in accordance with ADA requirements and such areas shall be delineated (e.g., pavers, stamped, bricked), as determined by the Plan Commission or Director, to reinforce pedestrian safety.
Comment: Staff is working with the petitioner to ensure compliance.
31. Perimeter/External Pedestrian Network Standards: All developments shall participate in the establishment or improvement to the pedestrian network along Streets adjacent to its perimeter in accordance with the following: Where a proposed Development Plan or Subdivision abuts an existing Right-of-way, then pedestrian paths, jogging paths, and bicycle paths shall be provided along the perimeter Street(s) or Private Street(s) in accordance with the Thoroughfare Plan. The type of pedestrian facility required shall be as set forth in the Thoroughfare Plan.
Comment: COMPLIANT
32. Generally, all required pedestrian facility improvements shall be located within the Right-of-way. Required improvements located outside of the Right-of-way shall be located within an easement approved by the Director or Public Works Department.
Comment: Staff is working with the petitioner to ensure compliance.
33. The Plan Commission or Director may require Developers, at their expense, to construct off-site pedestrian facilities adjacent to the proposed development to respond to the proposed development's impact and infrastructure demands (see also Article 8.9 Street and Right-of-Way Standards as it may apply).
Comment: Staff is working with the petitioner to ensure compliance.

Storm Water Standards (Article 8.8)

34. All proposed development shall provide for the collection and management of all storm and surface water drainage in accordance with the City's Construction Standards (see Article 7.3 Principles and Standards of Design).

Comment: Staff is working with the petitioner to ensure compliance..

Streets and Right-of-Way Standards (Article 8.9) – Staff is working with the petitioner to ensure compliance.

35. Dedication of Right-of-way: In developments that adjoin or include existing Streets that do not conform to the minimum Right-of-way dimensions established in the Thoroughfare Plan, the Developer shall dedicate additional width along either one or both sides of such Streets sufficient to meet the requirements of the Thoroughfare Plan. If the Developer only controls the property on one (1) side of the Street, then sufficient Right-of-way shall be dedicated to bring the half Right-of-way up to the dimensions required in the Thoroughfare Plan.

- a. Passing Blister: Where a passing blister is required and inadequate Right-of-way exists to install the passing blister, then the Developer shall make a good faith effort to acquire property sufficient for the installation of the passing blister. If the Property Owner on which the passing blister is to be installed refuses to sell the property, then the Developer shall provide the Department copies of all surveys, appraisals, written offers made by the Developer to the Property Owner, and correspondence from the Property Owner.
- b. Acceleration and Deceleration Lanes: Where an acceleration lane and/or deceleration lane is required and the Developer does not control street frontage adequate to install the lane, then the Developer shall make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the Property Owner on which the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property, then the Developer shall provide the Department copies of all surveys, appraisals, written offers made by the Developer to the Property Owner, and correspondence from the Property Owner.
- c. Eminent Domain: Whereas the installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public, the City may begin eminent domain proceedings in accordance with IC 32-24: Eminent Domain for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane, and/or deceleration lane

upon receipt of the aforementioned documentation illustrating the Developer's failure to acquire the needed property. Upon completion of the eminent domain proceedings, the Developer shall reimburse the City in an amount equal to the price paid by the City for the public Right-of-way and associated professional and legal expenses, anything that had to be condemned within the acquired Right-of-way, and anything for which the City paid the price of relocation.

- d. Installation of Improvements: The Developer shall then install the passing blister, acceleration lane, and/or deceleration lane in accordance with the City's Construction Standards (see Article 7.3 Principles and Standards of Design).

36. Private Streets: – Staff is working with the petitioner to ensure compliance.

- a. Standards: Private Streets are permitted, but shall conform to the Street and Right-of-way standards of this Ordinance and shall be constructed in accordance with the City's Construction Standards.
 - i. Private Street Easements: Private Streets shall be established in access easements that may be placed in common area, rather than Rights-of-way, that comply with Article 8.3 Easement Standards.
 - ii. Platted Private Streets: When a Private Street easement appears on a Secondary Plat, then a Private Streets certificate (see Article 8.3 Easement Standards) shall be printed on the plan or plat. Unplatted easements for Private Streets shall have the same language included on the recorded easement instrument.
 - iii. Financial Sureties: Shall be required in accordance with Article 8.12 Surety Standards and the City's Construction Standards.
 - iv. Usage: When the term Right-of-way is used in this Article, it shall also apply to private street easements in the context of this Article only.

37. Design Principles:

- a. General Street Layout: Street and Alley layout shall provide access to all Lots and parcels of land within a development, and where Streets cross other Streets, jogs shall not be created. Streets shall be laid out on the parent tract:
 - i. In a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - ii. In an orderly and logical manner.
 - iii. With concern for connectivity to adjacent parcels.
 - iv. With concern for pedestrian and vehicular safety.
 - v. To provide reasonably direct access to the primary circulation system.
- b. Regard to Contour and Natural Features: Streets shall be adjusted to the contour of the land so as to produce useable Lots and streets of reasonable gradient. Consideration shall be given to all natural features, such as existing stands of

trees, streams and creeks, historic locations, or similar conditions which, if preserved, will add attractiveness and value to the community.

- c. Connectivity: Streets shall align and connect with existing or planned streets and provide for connections with adjacent property. Proposed streets, where appropriate, shall be extended to the boundary line of the tract to be developed so as to provide for normal circulation of traffic within the vicinity. Regard shall be given to the Thoroughfare Plan and Comprehensive Plan. Cul-de-sacs are discouraged and shall only be permitted where such street continuation is prevented due to topography or other physical condition, or unless such extension is found by the Plan Commission to be unnecessary for the coordination of development within the development or between the development and adjoining property.

38. Improvement Standards: Streets shall conform to the following standards of improvement: – **Staff is working with the petitioner to ensure compliance..**

- a. Street and Right-of-way Widths: Widths of Streets and minimum Right-of-way widths shall conform to the Thoroughfare Plan and Article 7.3 Principles and Standards of Design.
- b. Construction: All Street improvements, public or private, shall be designed, constructed and installed in accordance with Article 7.3 Principles and Standards of Design.
 - i. Streets and Alleys shall be completed as shown on approved plans, profiles and cross-sections provided by the Developer, and prepared by a qualified engineer or surveyor.
 - ii. Streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in the Indiana Department of Transportation's "Standard Specifications".
 - iii. Where parkways or special types of Streets are involved, the Plan Commission may apply special standards to be followed in their design.
- c. Cul-de-sac Design: Where a street does not extend beyond the boundary of the development and its continuation is not required, as set forth herein, for access to adjoining property, its terminus shall comply with the following:
 - i. Maximum Length: 600 feet, measured along the centerline from the intersection at origin to the center of the circle. Where a cul-de-sac extends from another cul-de-sac or dead-end street, the total maximum length of both streets shall not exceed this maximum.
 - ii. Terminus Design: Shall be nearly circular shape with a minimum Right-of-way diameter in accordance with Article 7.3 Principles and Standards of Design.

- iii. Drainage Easement: A drainage easement shall be provided near the center perimeter of the cul-de-sac, opposite of the cul-de-sac entrance. The easement shall be a minimum of twenty (20) feet wide and ten (10) feet deep. The easement and Right-of-way adjacent to the easement shall be free of above ground improvements (e.g., driveways, mailboxes, fire hydrants, landscaping and Public Utility Installations), unless otherwise approved by the Public Works Department, in order to accommodate snow removal maintenance of the cul-de-sac.
- iv. Dead-end Streets: A temporarily dead-ended Street shall be permitted if a Street is proposed to be and should logically be extended but is not yet constructed. An adequate easement or Right-of-way for a turn-around shall be provided which extends one hundred and fifty (150) feet or more in length. If an easement, then such easement shall be automatically vacated to abutting Property Owners when the street is legally extended.
- v. Pedestrian Connection: The Plan Commission or Director may require a pathway or sidewalk to connect one cul-de-sac to an adjacent cul-de-sac or Street to provide reasonably direct connection between likely pedestrian destinations. Such connection shall be constructed in accordance with Article 8.7 Pedestrian Network Standards and located within an easement or common area.
- d. Alleys: Alleys shall be constructed in accordance with the City's Construction Standards, unless otherwise approved by the Public Works Department.
- e. Intersections:
 - i. All Street intersections, including at angles and minimum distances from the intersection of Right-of-way lines, shall be designed and improved in accordance with Article 7.3 Principles and Standards of Design.
 - ii. Lot Line corners shall be rounded by arcs with minimum radii in accordance with Article 7.3 Principles and Standards of Design.
- f. Access Points: The following standards shall apply; however, the Plan Commission, Council, or Public Works Department may otherwise approve access points if deemed appropriate to improve traffic circulation in the area or due to the size of the development:
 - i. Only one (1) street, driveway or point of vehicle access shall be permitted from a development onto an Arterial or Collector.
 - ii. The primary access for a multi-family development shall be from an Arterial, if available, and at least two (2) access points shall be provided for adequate accessibility for emergency vehicles and school busses.
 - iii. Developments shall not be designed to permit direct access by a driveway to any Arterial or Collector, unless such design accommodates the Lot's only means of access.

- g. Curved Streets: Minimum visibility (horizontal and vertical), curvature radii, and tangents on reversed curves on curved Streets shall comply with Article 7.3 Principles and Standards of Design.
 - h. Traffic Control Devices: All traffic control devices shall comply with guidelines and requirements of the current edition of the Indiana Manual on Uniform Traffic Control Devices.
 - i. Subsurface Drainage: Prior to placing street surfaces, adequate subsurface drainage for Streets shall be provided by the Developer. Subsurface drainage pipe, when required, shall be as described by the current edition of INDOT standard specifications and as approved by the Plan Commission. Upon completion of street improvements, plans and profiles as built shall be filed with the Plan Commission and the proper governing body of the City or County.
39. Delay of Surface Layer: A Developer may request permission from the Plan Commission to delay the installation of the surface layer of asphalt until the binder layer of asphalt has had sufficient time to prove its durability under the stress of heavy construction traffic, but this delay shall not exceed one (1) year. The Developer shall be required to submit a separate performance bond to cover the cost of the installation of the surface layer of asphalt. – **Staff is working with the petitioner to ensure compliance.**
40. Fire Hydrants: The Developer shall provide the development with fire hydrants. The types of hydrants and location of hydrants shall be determined by the Fire Department. – **Staff is working with the petitioner to ensure compliance..**
41. Acceptance of Improvements: Before any financial surety (see also Article 8.12 Surety Standards) covering a Street installation is released, the Plan Commission, Council, or Director may request that core borings (asphalt or concrete) of the Street be provided to the Public Works Department or the County Highway Department, or their designated representative(s), at the Developer's expense, for thickness determination. – **Staff is working with the petitioner to ensure compliance.**
- a. If requested core borings are for the acceptance of asphalt Streets, then the Developer shall employ and pay for the services of an independent testing laboratory to take cores at selected locations and perform Marshall stability, flow and density test, and percent of compaction determination on completed asphalt work.
 - b. If requested core borings are for the acceptance of concrete Street, then the Developer shall provide satisfactory test results from an independent testing laboratory.

Street Light Standards (Article 8.10) – Staff is working with the petitioner to ensure compliance.

- 42. General: The Developer shall install, or cause to be installed, street lights at all intersections, development entrances, and along internal Streets as required by the

provisions of this Article. The Plan Commission may direct street lights at other locations if in its discretion it determines is necessary to provide vehicular or pedestrian safety.

43. Street Lights at Intersections: The Developer shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the City's Construction Standards (see Article 7.3 Principles and Standards of Design) and the public utility providing such lighting. The Public Works Department may reduce the number of intersections required to have street lighting. Under no circumstances shall the major intersections (involving Collectors or Arterials) within the development be waived.
44. Lighting between Intersections: Unless street lights have been provided at the lesser of either mid-Block or every fifteen (15) lots, a dusk-to-dawn light that operates on a photo cell shall be installed on each home site. This lighting shall be maintained by the Property Owner in perpetuity.
45. Street Lights at Entrances: If the City has established a street light standard along the Street on which the entrance is located, then the Developer shall install the same lighting standard. If there is no established street light standard along the corridor, then the Developer shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety. Luminaires shall be shielded to prevent glare on residential properties.
46. Alternative Standard: Decorative street lights may differ from the City's Construction Standards if approved by the Public Works Department. Decorative street lights shall be installed at the expense of the Developer and maintained by the Property Owners' Association. An agreement between the City and the Property Owner's association shall be required establishing that the Property Owner's Association is responsible for replacing the decorative street lights and poles when the original street lights installed are lost or damaged; otherwise, such street lights may not be replaced or be replaced with a street light consistent with the City's Construction Standards.

Street Sign Standards (Article 8.11) – Staff is working with the petitioner to ensure compliance.

47. General: Streets shall have minimum number of street signs necessary to: (i) provide a safe environment for drivers and pedestrians; and (ii) provide an information system so visitor can efficiently find a certain street, address, or development amenity.
48. Location: The Developer shall install a minimum of one (1) street name sign at each street intersection within the development indicating the name of each street thereat and on all perimeter intersections prior to the issuance of any Building Permit within the development section. At least one (1) sign shall be set on the most conspicuous corner of the intersections.

49. Sign Specifications: Street signs shall comply with the current edition of the Indiana Manual on Uniform Traffic Control Devices and the City's Construction Standards (see Article 7.3 Principles and Standards of Design). Street name signs shall be lighted or reflectorized.
50. Applicant's Responsibilities: The Applicant shall be required to install street name and regulatory signs prior to any street being opened to the public. Signs shall be installed in the location and to the height determined by the Public Works Department and the City's Construction Standards.
51. Alternative Standard: Decorative street signs may differ from the City's Construction Standards if approved by the Public Works Department. Decorative street signs shall be installed at the expense of the Developer and maintained by the Property Owners' Association. An agreement between the City and the Property Owner's association shall be required establishing that the Property Owner's Association is responsible for replacing the decorative street signs and poles when the original signs installed are lost or damaged; otherwise, such signs may be replaced with a street sign consistent with the City's Construction Standards.

Surety Standards (Article 8.12) – Staff is working with the petitioner to ensure compliance.

52. General: A bond, irrevocable letter of credit, or other guarantee acceptable to the City ("financial surety") required for public improvements shall be executed prior to the time of Improvement Location Permit issuance for single site developments or prior to subdivision plat recording, whichever applies. Improvements that shall be guaranteed include facilities which shall become public, and may include other facilities or improvements set forth in the City's Construction Standards and as may be specified in the Detailed Development Plan approval. The guarantee shall be in accordance with this Article and the City's Construction Standards.
53. Construction/Performance Surety:
 - a. General: Neither the Plan Commission nor the Board shall approve a development that includes public infrastructure without a financial surety to cover the proposed public improvements and installation.
 - b. Requirement for Surety: All Developers shall provide a performance surety to the City for any street (public or private), sidewalk, path, storm sewer, erosion control, drainage facility, or any other facility that is intended or will be dedicated to the City. All such facilities on-site, any off-site improvements committed to by the Developer, and any off-site improvements required as a condition of approval shall be covered by the performance surety.
 - c. Requirements: The performance surety shall:
 - i. Be in an amount of one hundred and ten percent (110%) of the estimated costs determined by the City to be sufficient to complete the

- improvements and installations in compliance with this Ordinance and the City's Construction Standards.
- ii. Provide surety satisfactory to the City.
 - iii. Run to and be in favor of the City or the County (outside the corporate limits of the City).
 - iv. Specify the time for the completion of the improvements and installations (both on- and off-site).
 - v. Be on a form approved by the Council.
- d. Duration of Surety: All performance sureties shall be effective from approval to begin construction of the project and shall not terminate until released by the Board of Public Works. The performance surety shall not be released until the Public Works Department has certified that it has inspected the improvements during construction and after completion, and that they have been installed in accordance with the intent of the approved construction plans and specifications (completion of the "punch list"). It shall be the Developer's responsibility to request an inspection and summary of non-compliant improvements (the "punch list") upon completion of the improvements.
- e. Payment in Lieu: There is hereby created a dedicated account in a form acceptable to the State Board of Accounts which shall hold and accumulate all funds paid pursuant to the provisions of this Article and which shall not thereafter be appropriated for any use unless it is associated with the completion of infrastructure improvements which had been approved by the City and which had not been completed after having been initiated for any reason whatsoever.
- f. Alternative Guarantees: Nothing in this Article shall in any way limit the ability of the City to give consideration to other alternative forms of insuring the proper completion of public improvement projects involving infrastructure which is to be dedicated to the City or for the benefit of the public.

54. Maintenance Surety – Staff is working with the petitioner to ensure compliance.

- a. General: When the improvements covered by the performance surety have been completed, the Developer shall apply for the release of the performance surety. For a period of three (3) years after the installations and improvements have been completed and are accepted for public maintenance by the appropriate governmental unit or agency thereof, the Developer shall at his own expense make all repairs to said improvements and installations, and on the foundation thereof, which may become necessary by reason of improper workmanship or materials, with such maintenance, however, not to include any damage to said

improvements and installations resulting from forces or circumstances beyond the control of the Developer.

- b. Requirement for Surety: The Developer shall provide a maintenance surety to the City for any Street (public or private), sidewalk, path, storm sewer, erosion control, drainage facility, or any other facility that is intended or will be dedicated to the City. All such facilities on-site, any off-site improvements to which the Developer has committed, and any off-site improvements required as a condition of approval shall be covered by the maintenance surety.
- c. Requirements: The maintenance surety shall:
 - i. Run to and be in favor of the City.
 - ii. Be in a sum of not less than ten percent (10%) of the total improvements construction cost of the development to assure and guarantee the maintenance of all improvements and installations, during such three-year period.
 - iii. Provide surety satisfactory to the City.
 - iv. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and that the installations are of good quality and have been constructed and completed in a workman like manner in accordance with standards, specifications and requirements of this Ordinance and the City's Construction Standards.
 - v. Include a certification from the Developer that all improvements and installations for the development required for compliance with this Ordinance have been made or installed in accordance with the approved plans and specifications.
- d. Duration of Surety: All maintenance sureties shall be effective from acceptance and shall not terminate until the Public Works Department has certified that it has inspected and approved the improvements (completion of the "punch list"). It shall be the Developer's responsibility to request an inspection and summary of non-compliant improvements (the "punch list") upon completion of the improvements.

Utility Standards (Article 8.13) – Staff is working with the petitioner to ensure compliance.

- 55. Applicability: This Article applies to all development including, but not limited to Major Subdivisions, Improvement Location Permits and Development Plans.
- 56. Sewer and Water: Public Sanitary Sewer and water hook-up shall be required for development in all Zoning Districts, except the AG-SF1: Agriculture / Single-Family Rural District.

57. Location and Character: Utilities shall be installed underground in designated utility easements or Rights-of-way.
58. Sanitary Sewer Standards: All development shall provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers shall be tied into a Public Sanitary Sewer system and constructed within the Right-of-way or dedicated sewer and utility easement. When a Public Sanitary Sewer is not available, then a septic sewer system on an individual Lot may be provided if permitted by this Ordinance and if constructed in accordance with the minimum requirements of the County Health Officer.
59. Water Service Standards: All development shall provide a complete water main supply system, which shall be connected to a municipal or a community water supply system approved by the County Health Officer. When such municipal or community water supply is not available, then an individual water supply on each Lot shall be provided in accordance with minimum requirements of the County Health Officer.

Processes and Permits (Chapter 10)

Development Plan Review (Article 10.7)

60. Overall Development Plan: The purpose of the Overall Development Plan is to preliminarily divide property into Lots, Blocks or Common Area and to ensure compliance with the standards of this Ordinance with regard to Lots (e.g., size, access, general building envelopes), common areas (e.g., perimeter landscaping, shared signage) and shared infrastructure (e.g., drives, streets, cross-access, utilities, drainage). An Overall Development Plan does not include the review of the site layout or building design of individual building Lots; rather, it is intended to generally review Lots, common areas, public spaces and shared infrastructure so that adequate consideration is given to ensure a coordinated development prior to subdividing the property.
- Comment: Acknowledged.**

Primary Plat Review (Article 10.12, I)

61. Primary Plat Documentation and Supporting Information: A Primary Plat application shall include the following information:
- Location Map: (which may be prepared by indicating the data by notations on available maps) showing: (i) Subdivision name and location; (ii) Any street related to the subdivision; (iii) Title, scale, north point and date; (iv) Adjacent property land uses and Property Owners' names.
- Comment: COMPLIANT**



- b. Scale: A Primary Plat shall be drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch; provided, however, that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, then a scale as determined by the Director may be used.

Comment: COMPLIANT

- c. Primary Plat: The following basic information shall be shown on the Primary Plat (unless otherwise provided on an accompanying Overall Development Plan (see also Article 10.7 Development Plan Review)), which shall be prepared by a land surveyor or planner:

- i. Proposed name of the subdivision.

Comment: COMPLIANT

- ii. Names and addresses of the owner, owners, land surveyor or land planner.

Comment: Staff is working with the petitioner to ensure compliance.

- iii. Title, scale, north point and date.

Comment: COMPLIANT

- iv. Streets on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, unless extensions of such streets) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree plantings and other pertinent data.

Comment: COMPLIANT

- v. Easements (locations, widths and purposes).

Comment: Staff is working with the petitioner to ensure compliance.

- vi. Statement concerning the location and approximate size or capacity of utilities to be installed.

Comment: Staff is working with the petitioner to ensure compliance.

- vii. Layout of Lots (showing dimensions, numbers and square footage);

Comment: COMPLIANT



- viii. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.

Comment: COMPLIANT

- ix. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%).

Comment: COMPLIANT

- x. Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.

Comment: COMPLIANT

- xi. Building setback lines.

Comment: COMPLIANT

- xii. Legend and notes.

Comment: COMPLIANT

- xiii. Drawing indicating the proposed method of drainage for storm sewers and other surface water drainage.

Comment: Staff is working with the petitioner to ensure compliance.

- xiv. Other features or conditions which would affect the subdivision favorable or adversely.

Comment: COMPLIANT

- xv. A National Cooperative Soil Survey Map showing the soil limitations based upon the intended usage of the development land.

Comment: COMPLIANT

- xvi. A statement from County departments, State highway departments, or the Public Works Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other specifications deemed necessary.

Comment: Staff is working with the petitioner to ensure compliance.

- xvii. If private sewage systems, then a statement from the County Health Officer whether private septic system can be used on the property.

Comment: Not applicable.

- xviii. If legal drain is involved, then a statement from the County Drainage Board or County Surveyor's Office concerning easements, right-of-way, permits, etc.

Comment: Staff is working with the petitioner to ensure compliance.

- xix. If floodplain is involved, then a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway, including floodplain high water marks, etc.

Comment: Staff is working with the petitioner to ensure compliance.

- d. Covenants and Restrictions: The Plan Commission or Director may request a description of the proposed or recorded protective covenants or private restrictions if they are to be cross-referenced or incorporated on the plat of the subdivision or if they otherwise establish or grant rights related to the plat (e.g., easements). Covenants and restrictions may not independently lessen any requirement of this Ordinance or revise, alter, or change in any way any aspect of an approved plat without approval of the Director of Plan Commission.

Comment: Staff is working with the petitioner to ensure compliance.

STAFF COMMENTS

- No action is required at this time.
- Prior to the final deposition, the petitioner will make any necessary revisions to the plans, as addressed in the staff report. The Economic and Community Development Department staff will confirm compliance prior to this item being placed on the next APC agenda.
- If any APC member has questions prior to the public hearing, then please contact Kevin Todd 317.379.6467 or ktodd@westfield.in.gov.